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JUL 15 2009
CENTRAL DISTRICT OF CALIFORNIA BY <i>[Signature]</i>

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KEVIN WARREN NEAL, } Case No. CV 08-8125-CJC (RNB)
Petitioner, }
vs. } ORDER ADOPTING FINDINGS,
LINDA SANDERS, Warden, } CONCLUSIONS, AND
Respondent. } RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. The Magistrate Judge recommended that respondent's Motion to Dismiss for failure to exhaust administrative remedies be granted and that this action be dismissed without prejudice. In his objections to the Report and Recommendation, petitioner insisted that the Motion to Dismiss was moot because he completed the administrative remedies process. However, he failed to attach to the objections a copy of the appeal ruling from "the remedy coordinator for the Central Office of the Federal Bureau of Prisons" that petitioner was contending constituted completion of the administrative remedies process. Based on the remedy id number cited by petitioner, it appeared to the Magistrate Judge that petitioner merely was referring to the Regional Director's denial dated March 18, 2009 of petitioner's appeal of the

1 Warden's February 23, 2009 denial to the BOP's Western Regional Office. In order
2 to complete the administrative remedies process, petitioner needed to appeal the
3 Regional Director's denial to the Office of the General Counsel in Washington and
4 secure a ruling on such appeal by the Office of the General Counsel. Accordingly,
5 the Magistrate Judge issued a Minute Order on June 2, 2009 advising that he would
6 afford petitioner twenty (20) days to provide copies of his appeal of the Regional
7 Director's denial to the Office of the General Counsel in Washington and of the
8 ruling on such appeal by the Office of the General Counsel.

9 The 20-day period has now expired without anything being received from
10 petitioner. Therefore, based on the record before the Court, and having made a de
11 novo determination of those portions of the Report and Recommendation to which
12 objections have been made, the Court concurs with and adopts the findings,
13 conclusions, and recommendations of the Magistrate Judge.

14 IT THEREFORE IS ORDERED that respondent's Motion to Dismiss is
15 granted and that Judgment be entered dismissing this action without prejudice.
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17 DATED: July 14, 2009

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20 CORMAC J. CARNEY
21 UNITED STATES DISTRICT JUDGE
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